

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

1. GREAT LAKES INSURANCE SE,	)	
	)	
Plaintiff,	)	
	)	Case No. 5:22-CV-00702-JD
	)	
vs.	)	
	)	
2. FREDY VALLE d/b/a VALLE	)	
TRUCKING,	)	
3. SILVER STAR CONSTRUCTION	)	
COMPANY, INC.,	)	
4. TYLON MACKEY,	)	
5. ISRAEL JUAREZ,	)	
6. ORD TRUCKING, INC., and	)	
7. ZURICH AMERICAN INS. CO.,	)	
	)	
Defendants.	)	
	)	
-----	)	
	)	
8. ZURICH AMERICAN INS. CO.,	)	
	)	
Third-Party Plaintiff,	)	
	)	
vs.	)	
	)	
9. BERKSHIRE HATHAWAY	)	
HOMESTATE INS. CO., and	)	
10. PROGRESSIVE NORTHERN INS.	)	
CO.,	)	
	)	
Third-Party Defendants.	)	

**THIRD-PARTY DEFENDANT BERKSHIRE HATHAWAY**  
**HOMESTATE INSURANCE COMPANY'S**  
**UNOPPOSED MOTION TO EXTEND DEADLINE TO FILE ANSWER**

Third-Party Defendant Berkshire Hathaway Homestate Insurance Company (“Berkshire”) moves the Court to extend the deadline to file its answer to the Third-Party Complaint filed by Third-Party Plaintiff Zurich American Insurance Company (“ZAIC”) by ten (10) days. Berkshire offers the following in support:

1. On February 7, 2023, the Oklahoma Insurance Department was served with ZAIC’s Third-Party Complaint. Therefore, the deadline for Berkshire to respond to ZAIC’s Third-Party Complaint is currently February 28, 2023.

2. This is Berkshire’s first motion to extend its deadline to answer ZAIC’s Third-Party Complaint.

3. Berkshire’s deadline to answer ZAIC’s Third-Party Complaint should be extended for two reasons. First, the Berkshire did not receive notice of ZAIC’s Third-Party Complaint until February 15, 2023, approximately eight (8) days after valid service was effected on Berkshire through the Oklahoma Insurance Department. Second, ZAIC’s Third-Party is lengthy, comprising forty-six (46) paragraphs and seventeen (17) pages, not including ten (10) exhibits totaling an additional one hundred forty-nine (149) pages. The ten (10) day extension to answer requested herein would enable Berkshire to respond appropriately to ZAIC’s Third-Party Complaint.

4. The undersigned counsel for Berkshire has conferred with ZAIC’s counsel of record and has been advised that ZAIC does not object to this Motion.

5. Granting this Unopposed Motion to extend Berkshire's time to answer ZAIC's Third-Party Complaint by ten (10) days will not impact any other deadlines set by the Court or otherwise.

6. A proposed order granting this Motion will be presented to the Court for its convenience.

WHEREFORE, premises considered, Third-Party Defendant Berkshire Hathaway Homestate Insurance Company hereby moves the Court for an Order extending its time to file a responsive pleading to Third-Party Plaintiff Zurich American Insurance Company's Third-Party Complaint by ten (10) days, from February 28, 2023 to Friday, March 10, 2023, along with any other relief the Court deems just, equitable, or proper.

Respectfully submitted,

/s/ J. Mark McAlester

J. Mark McAlester, OBA #18104  
Fenton, Fenton, Smith, Reneau & Moon  
211 N. Robinson, Suite 800N  
Oklahoma City, Oklahoma 73102  
Phone: 405.235.4671/ Fax: 405.235.5247  
E-mail: [jmmcalester@fentonlaw.com](mailto:jmmcalester@fentonlaw.com)  
**ATTORNEY FOR THIRD-PARTY  
DEFENDANT, BERKSHIRE  
HATTHAWAY HOMESTATE  
INSURANCE COMPANY**

**CERTIFICATE OF SERVICE**

I hereby certify that on February 27, 2023, I electronically transmitted the attached document to the Clerk of Court using the Electronic Case Filing System (“ECF”) for filing. Based on the records currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the ECF System.

/s/ J. Mark McAlester